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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,453	12/27/2001	Kevin M. Gaukel	A8179	1554
7590 03/24/2004				
SUGHRUE MION, PLLC 2100 Pennsylvania Avenue, N.W. Washington, DC 20037-3213			EXAMINER TAKAOKA, DEAN O	
			ART UNIT 2817	PAPER NUMBER

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 10/026,453	Applicant(s) GAUKEL ET AL.	
	Examiner Dean O Takaoka	Art Unit 2817	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 March 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☒ Applicant's reply has overcome the following rejection(s): claim 20.
4. ☒ Newly proposed or amended claim(s) 1-19 and 21-24 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 1-19 and 21-24.

Claim(s) objected to: _____.

Claim(s) rejected: 25.

Claim(s) withdrawn from consideration: _____.

8. ☒ The drawing correction filed on 19 November 2003 is a) ☒ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because: With respect to claim 25, the response does not overcome the rejection under 35 USC 103(a) of record contained in the office action dated December 8, 2003. With respect to claim 25, it is argued that Ishikawa '041 discloses a resonator for use in a filter or diplexer, the resonators coupled by directly attaching metal to the resonator. The Applicant further notes that Ishikawa '991 shows indirect capacitive coupling with no direct attachment of probes and thus submits that since there is an entirely different method (e.g. of coupling), that Ishikawa '991 fails to cure the deficient teachings of Ishikawa '041, to which the Examiner disagrees. Ishikawa '041 shows both direct and indirect coupling. As shown in Figs. 7, 10, and 11, Ishikawa '991 shows coupling probe such as 69 (Fig. 10) which does not have a direct attachment (Fig. 10 of Ishikawa '041 of record in the previous Office action dated December 8, 2003), thus capacitively coupled in the same manner as Ishikawa '991. Ishikawa '041 is silent with respect to the specific length of the coupling line while Ishikawa '991 explicitly recites a well-known length of one quarter wavelength (col. 3, line 47-62) for the coupled line, further where both Ishikawa references are filters using dielectric resonators for use in devices such as duplexers thus further suggesting the obviousness of the modification, therefore the rejection of claim 25 is maintained.



BENNY T. LEE
PRIMARY EXAMINER
ART UNIT 2817